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July 13, 2001

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EXECUTIVE SECRETARIAT

Richard Collier, Esq.  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

**In Re:           Petition of The Tennessee Small Local Exchange Company Coalition  
for Temporary Suspension of 47 U.S.C. §251(b) and 251(c) Pursuant  
to 47 U.S.C. §251(f) and 47 U.S.C. §253(b)  
Docket No.   99-00613**

Dear Richard:

I am writing you in your capacity as Hearing Officer in the above-captioned proceeding. The record indicates that this matter was initially set for hearing, subject to approval by the Authority, on February 14, 15, and 16, 2001. (See attached Order.) As you may recall, the hearing dates were cancelled because of other TRA business, but no new dates have been set. There is also a pending motion by the Coalition to defer any hearing in this matter until after the Authority completes the Rural Universal Service docket, 00-00537, a docket which is now, seven months later, still not over.<sup>1</sup>

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<sup>1</sup> At a prehearing conference last December, the Hearing Officer observed that the Rural Universal Service docket could take as much as a year to complete. In a subsequent filing, the Coalition predicted that the Authority "can proceed expeditiously with singular purpose" if it decides the Rural Universal Service docket before taking up the instant case. Time has proven the Hearing Officer, not the Coalition, has a better sense of the Authority's pace.


FILED  
7/16/01

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On behalf of US LEC, I respectfully request that this case, now two years old, be reconvened.<sup>2</sup> Specifically, I would suggest that the Hearing Officer convene a pre-hearing conference for the purpose of hearing argument and making a ruling on the Coalition's motion and, if the motion is denied, for the purpose of selecting a new hearing date.

Sincerely,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:   
Henry Walker

HW/nl  
c: Dale Grimes

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<sup>2</sup> Both this case and the related request of US LEC for interconnection (Docket 00-00026) are subject to federal statutory deadlines, now long since passed. As US LEC has previously written, the carrier agreed to postpone Docket 00-00026 until completion of this case, but US LEC does not agree to waive its federal deadline for the completion of the Rural Universal Service docket.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY****AT NASHVILLE, TENNESSEE**

December 18, 2000

IN RE: )  
 )  
PETITION OF THE TENNESSEE SMALL LOCAL ) DOCKET NO. 99-00613  
EXCHANGE COMPANY COALITION FOR )  
TEMPORARY SUSPENSION OF 47 U.S.C. § 251(b) )  
AND 251(c) PURSUANT TO 47 U.S.C. § 251(f) AND )  
47 U.S.C. § 253(b) )

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**ORDER ESTABLISHING SCHEDULE FOR FILING COMMENTS  
OR MEMORANDA AND SETTING A HEARING DATE**

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This matter came before the Tennessee Regulatory Authority (the "Authority") for Status Conference held on December 14, 2000, set pursuant to a Notice dated December 4, 2000. The Pre-Hearing Officer presided over the Status Conference for the purpose of determining the status of the case and whether additional filings by the parties are needed in advance of setting this matter for a Hearing. During the Status Conference, counsel for the Petitioner, the Tennessee Small Local Exchange Company Coalition (the "Petitioner" or "Coalition"), made an oral request to have the setting of a Hearing in this matter deferred until the completion of Authority Docket No. 00-00537, Universal Service for Rural Areas – Generic Docket (the "Rural Universal Service Docket"). As grounds for the request, the counsel for the Coalition stated that the resolution of certain issues in the Rural Universal Service Docket will impact the resolution of similar issues in this docket. Counsel for the Intervenor, US LEC of Tennessee, Inc. ("US LEC"), the Southeastern Competitive Carriers Association ("SECCA") and Hyperion of

Tennessee, L.P. ( collectively referred to as the "Intervenors") opposed the Coalition's request, stating that deferring this matter would cause an unnecessary delay in resolving this docket.

During the discussion of the Coalition's request, the Pre-Hearing Officer expressed concern that the interests of US LEC in another matter, Authority Docket No. 00-00026, US LEC's request for interconnection with the TDS Telecom Companies, would be directly impacted by the Coalition's request to hold this docket in abeyance.<sup>1</sup> Because Authority Docket No. 00-00026 was not noticed for discussion at the December 14, 2000 Status Conference and counsel for the Coalition stated that he was not prepared to discuss the effect of the Coalition's request on that docket, the Pre-Hearing Officer determined not to render a decision concerning the Coalition's request during the Status Conference. Instead, the Pre-Hearing Officer directed the parties to file comments or memoranda addressing whether the Authority should proceed with Authority Docket No. 00-00026 to completion in the event that this docket (No. 99-00613) is held in abeyance pending decisions in the Rural Universal Service docket. With the agreement of the parties, the Pre-Hearing Officer established the following schedule for the filing of comments or memoranda addressing the Coalition's request:

**December 29, 2000**      The Coalition's Request and supporting memorandum

**January 5, 2001**      The Intervenors' responsive comments or memorandum

In addition, counsel for the Intervenors requested the Pre-Hearing Officer to establish a tentative date for a Hearing in this docket in the event that the Coalition's request is not granted.

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<sup>1</sup> See, Authority's *Order Adopting Second Report and Recommendation of Pre-Hearing Officer* issued on June 29, 2000 in Docket No. 99-00613. At pages 7 through 8 of the *Second Report and Recommendation*, the Pre-Hearing Officer stated: "The parties agreed that a decision in this case resulting in a suspension of the requirements for interconnection set forth in Section 252 of the [federal Telecommunications] Act would act as a suspension of US LEC's request. During this discussion, counsel for US LEC stated that a determination of the Coalition's petition in this docket would likely determine whether or not US LEC would proceed with its bona fide request in Docket No. 00-00026. Accordingly, counsel for US LEC stated that he would agree to waive the requirement set forth in Section 251(f)(1)(B) of the Act that the Authority act within 120 days after receipt of notice of US LEC's request."

After discussing possible dates with the parties and conferring with the Executive Secretary, the Pre-Hearing Officer determined that a Hearing could be held in Docket No. 99-00613 as early as February 14, 15 and 16, 2001, subject to the approval of the Authority.

**IT IS THEREFORE ORDERED THAT:**

1. The schedule for the filing of comments or memoranda by the parties addressing the issues raised by the Coalition's request to hold this docket in abeyance shall be as set forth herein.
2. The dates for a Hearing in this matter, in the event the Coalition's request is denied, shall be February 14, 15 and 16, 2001. These dates are subject to approval by the Authority.

J. Richard Collier  
J. Richard Collier, Pre-Hearing Officer

ATTEST:

K. David Waddell  
K. David Waddell, Executive Secretary

December 18, 2000  
Date